

#8/9-602

Docket No.: 50090-275

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Hiroki SHINKAWATA

Serial No.: 09/766,846

Group Art Unit: 2811

Filed: January 23, 2001

Examiner: Hung K. Vu

For: SEMICONDUCTOR DEVICE AND METHOD OF MANUFACTURING SAME

LETTER

Commissioner for Patents
Washington, DC 20231

Sir:

In the Office Action dated July 26, 2002, the Examiner rejected claims 1, 2, 15 and 16 (presumably intending claims 14 and 15) under 35 U.S.C. §102 for lack of novelty as evidenced by a reference identified as Sung, with a Patent No. 6,137,130, asserting it is "of record". No such references is of record. In the prior Office Action, the Examiner cited and relied upon a Sung reference identified as Patent No. 6,025,227.


Accordingly, in the interests of **due process of law**, Applicant hereby requests the Examiner to:

1. issue a **new** Office Action in which the appropriate Sung reference is identified and a proper Form PTO-892 is furnished;
2. furnish a copy of the appropriate Sung reference is different from Serial No. 6,025,227; and
3. **resetting the period of time for response.**

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY



Arthur J. Steiner

Registration No. 26,106

600 13th Street, N.W.
Washington, DC 20005-3096
(202)756-8000 AJS:ntb
Facsimile: (202)756-8087
Date: August 15, 2002